

UNITED STATES DISTRICT COURT

for the

Eastern District of California

United States of America

v.

STEFAN W. KIRKEBY

Defendant

Case No. 1:22CR00228 JLT SKO

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: U.S. DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA

Place

2500 TULARE STREET, COURTROOM FOUR, SEVENTH FLOOR, FRESNO, CALIFORNIA, 93721

on 06/26/2023 10:00 AM

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

Stefan W. Kirkeby
DOC. NO. 1:22-CR-00228-JLT-
SKO

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:

Name of person or organization

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

SIGNED: _____
CUSTODIAN

- ☒ (7) The defendant must:
- ☒ (a) report to and comply with the rules and regulations of the Pretrial Agency;
 - ☒ (b) upon your release from custody, contact the Pretrial Services Agency in Fresno at 559-499-5770 within 24 hours;
 - ☒ (c) reside at a location approved by the pretrial services officer and not change your residence without prior approval of the pretrial services officer;
 - ☒ (d) cooperate in the collection of a DNA sample;
 - ☒ (e) restrict your travel to Northern District of California and the Eastern District of California, for Court purposes only, and unless otherwise approved in advance by the pretrial services officer;
 - ☒ (f) surrender your passport to the Clerk, U.S. District Court, and you must not apply for or obtain a passport or any other travel documents during the pendency of this case;
 - ☒ (g) not possess, have in your residence, or have access to a firearm/ammunition, destructive device, or other dangerous weapon; additionally, you must provide written proof of divestment of all firearms/ammunition currently under your control;
 - ☒ (h) participate in a program of medical or psychiatric treatment, including treatment for drug or alcohol dependency, as approved by the pretrial services officer. You must pay all or part of the costs of the counseling services based upon your ability to pay, as determined by the pretrial services officer;
 - ☒ (i) not associate or have any contact with the victim in this case, directly or indirectly, unless while in counseling, in the presence of a third-party for the purpose of arranging medical treatment, or in the presence of your attorney, and the contact is preapproved by Pretrial Services;
 - ☒ (j) participate in the following Location Monitoring program component and abide by all the requirements of the program, which will include having a location monitoring unit installed in your residence and a GPS transmitter device attached to your person. You must comply with all instructions for the use and operation of said devices as given to you by the Pretrial Services Agency and employees of the monitoring company. You must pay all or part of the costs of the program based upon your ability to pay as determined by the pretrial services officer;
- ☒ Curfew. You are restricted to your residence every day from 8 pm to 6 am, or as adjusted by the Pretrial Services office or supervising officer, for medical, religious services, employment or court-ordered obligations; and you must not be within 200 feet of the victim residence.
- ☐ Home Detention. You must remain inside your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services officer. Essential activities include haircuts, DMV appointments, banking needs, or other activities that cannot be completed by another person on your behalf.
- ☐ Home Incarceration. You must remain inside your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services officer;

USMS SPECIAL INSTRUCTIONS:

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

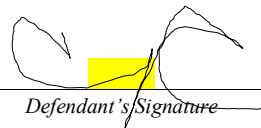
- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

Stefan Kirkeby by


Defendant's Signature**Directions to the United States Marshal**

(☒) The defendant is ORDERED released after processing.

Date: February 22, 2023


Judicial Officer's Signature

Jennifer L. Thurston, U.S. District Judge

Printed name and title